IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application	:	MATHIAS UHLEN ET AL.
Serial No.	:	09/830,080
Filed	:	September 24, 2001
For	:	A METHOD OF AFFINITY SEPARATION AND LIGANDS FOR USE THEREIN
Examiner	:	J. Epperson
Attorney Docket	:	102358-100
Group Art Unit	:	1639
Confirmation No.	:	9697

* *

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on 30 JUNE 2003.

By Todd E. Garabedian

Todd E. Garabedian, Ph.D.
Registration No. 39,197
Attorney for Applicants

* *

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In Reply to the Restriction/Election Requirement mailed April 28, 2003, Applicant submits the following remarks:

Restriction Requirement

In the Restriction/Election Requirement, the Examiner grouped pending claims 1-26 into seven categories as follows:

Group I, claims 1-8 (in part), claims 9-13 (in part), 14, 17, 18, and 19, drawn to a method for affinity separation wherein the affinity ligand is an immobilized proteinaceous ligand with one or more modified asparagines;

Group II, claims 2, 3-19 (in part), drawn to a method of stabilizing an affinity ligand by modifying one or more asparagine residues;

Group III, claims 3, 5, 9-13 (in part), drawn to a method of preparing a combinatorial library of protein molecules having one or more modified asparagine residues;

Group IV, claims 4, 8 (in part), 9-13 (in part), 15 and 16, drawn to a method of phage display wherein the expressed protein on the phage surface has one or more modified asparagine residues;

Group V, claims 6, 9-13 (in part), 19, 22, 23 and 24, drawn to a combinatorial protein having one or more modified asparagine residues;

Group VI, claims 7, 9-13 (in part), and 21, drawn to a "fusion protein" wherein the first part contains one or more modified asparagine residues, and the second part is a randomized protein molecule; and

Group VII, claims 25-26, drawn to a nucleic acid molecule encoding a protein from Groups I to IV above and a host cell expressing the protein.

Applicants herein elect with traverse the claims of **Group I**, e.g., claims 1-8 (in part), claims 9-13 (in part), 14, 17, 18, and 19, drawn to a method for affinity separation wherein the affinity ligand is an immobilized proteinaceous ligand with

one or more modified asparagines. Moreover, Applicants reserve the right to file divisional applications on the non-elected claims pursuant to 35 USC §121 and claiming priority to this application under 35 USC §120.

In addition, Applicants submit that claim 16 depends from claim 14, which, in turn, depends from claim 1, and recites:

> 16. A method as claimed in claim 14, wherein said affinity ligand is a randomised protein selected by expression in a surface display library.

Applicants submit that the Examiner grouped claim 16 into Group IV, drawn to a method of phage display wherein the expressed protein on the phage surface has one or more modified asparagine residues. Applicants submit that dependent claim 16 is more properly associated with the claims of Group I (method for affinity separation) rather than Group IV (method of phage display). Accordingly, Applicants respectfully request that claim 16 be included for Examination in the elected claims of Group I.

Species Election

In addition to the Restriction Requirement of the claims outlined above, the Examiner also imposed a Species Election Requirement which applies to any of the seven Groups of claims outlined above. The Examiner also requested that the Applicants select a single species from each of the sub-groups listed below:

> Sub-Group I, species of amino acid selected from lysine, aspartic acid, or leucine;
>
> Sub-Group II, a single species of protein as outlined in claims 19 and 20 (*e.g.*, albumin-binding protein, or another protein described in the Specification).

In response to the Species Election, Applicants select **Lysine** as the species of amino acid, and **Albumin Binding Protein** as the species of protein. Applicants submit that these elected species read on claims 1-8, 9-13, 14, 16, 17, 18, and 19.

Any fees due with this Reply may be charged to Deposit Account **23-1665.**

If a telephone conference would aid in the continued prosecution of this application, the Examiner is invited and encouraged to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

MATHIAS UHLEN ET AL.

By Todd E. Garabedian

Todd E. Garabedian, Ph.D.
Registration No. 39,197
Attorney for Applicants

WIGGIN & DANA
One Century Tower
New Haven, CT 06508
Telephone: (203) 498-4400
Fax: (203) 782-2889

Date: 30 June 2003

\15623\3\410850.1